39-40
195 .

File No. 4204/36

P. W. **DEPARTMENT**

E **BRANCH**

A CLASS

Subject:— Leave and Pensionary Charges Officers of the B.S.E. allotted to Sind & transferred to B'Bay.
Orders regarding—

A[K]

File No. 4204/36 - E

Ltd. Scott. Slip. 21 A

G.R., G.D., No. 2408, dated 22-6-22.].

Correspondence

DOCKET SHEET

Subject :—

File No. 4204/86

P.W **DEPT.**

E **BRANCH.**

References :—

Date.	To whom sent.	Notes and instructions.
		Original file is sent to Maharashtra

F. D. 617/36
2798

Public Works Deptt.

E. B.

Submitted.

2. Please see the letter from the Govt. of Sind and the F. D. note within. The cadre of the I. S. E. was separted between the provinces of Bombay and Sind with effect from the 1-4-35 vide G. R. No. 9575/27, dated the 6-8-37. A period of 5 years from the 1-4-36 has been fixed as the adjustment period. On the 1-4-36 the following 6 officers who were allotted to Bombay were working in Sind:-

1. Mr. S. B. Rege.

2. Mr. B. S. Vyas.

3. Mr. H. P. Gurjar.

4. Mr. G. N. Pandit.

5. Mr. R. D. Dhir.

6. Mr. D. B. Anand.

On transfer from Sind, Mr. Rege took charge of the Ratnagiri Divn. on the 20-11-37. Mr. N. G. Murti who was allotted to Sind has been exchanged for Mr. R. D. Dhir - vide G. R. No. 9575/27-E, dated the 22-4-38. In Govt. Memo. No. 9575/27-E, dated the 22-4-38 it has been ordered that Mr. Murti should be considered to have been exchanged for Mr. Dhir with effect from the date on which the former left charge of his duties in Sind. This date will be in Dec.1937. Messrs. Gurjar, Pandit and Anand will be transferred from Sind during the course of Two years. Mr. Vyas was in Sind till the 10-5-36,

3. Mr. S. D. Divatia who has been allotted to Sind is working in Bombay since the separation of the cadre of the I. S. E.

4. The cadre of the B. S. E. has been separated between the provinces of Bombay and Sind with effect from the 1-4-36 vide G. R. No. 9575/27, dated the 20-3-37. A period of 5 years for inter-provincial transfers on account of the

....

of the reasons of health of officers or the administrative convenience has been fixed as the adjustment period from the 1-4136. During the period of adjustment it was laid ~~mx~~ down that the Govt. of Sind should make available for transfer the B. S. E. officers , who had expressed a desire to return to Bombay. The following officers havebeen transferred from Sind to Bombay after the 1-4-36:-

1. Mr. R. L. Phansalkar.
2. Mr. G. N. Godse.
3. Mr. N. D. Daftari.
4. Mr. V. B. Kale.
5. Mr. Y. G. H. Munshi.
6. Mr. V. B. Manerikar.
7. Mr. K. V. Joglekar.
8. Mr. C. R. Desai.
9. Mr. B. K. Choksi.
10. Mr. K. M. Kantawala.
11. Mr. K. M. Joshi.
12. Mr. V. W. Gothoskar.
13. Mr. B. S. Apte.

5. Rule 190(b)(ii) of the Audit Code ~~mx~~ runs and under:-

" If an officer has served under more than one Govt. (other than the Govt. of India) before retiring, his pension will be borne by the Govt. under which he was serving at the date of retirement."

In view of the above rule, it is necessary to recover pension contribution at foreign service rates - vide portion 'A' within. The F. D. may therefore be informed that the Govt . of Sind should pay to Bombay Govt. the pension contribution at foreign service rates on behalf of the 6 I. S. ~~S~~. E. officers noted on the margin* and B. S. E. officers referred to in pa para 4 within for the service rendered in Sind. This Govt. will pay to the Govt. of Sind the pension contribution on behalf of Mr. Divatia for the Service rendered in Bombay

* (1) Mr. S. B. Rege.
(2) Mr. B. S. Vyas.
(3) Mr. N. P. Gurjar.
(4) Mr. G. N. Pandit
(5) Mr. N. G. Murti.
(6) Mr. D. B. Anand.

~~(1) Mr. B. K.~~
(2) ~~Mr. B. S.~~ Vyas.
(3) ~~Mr. N. P.~~ Gurjar.
(4) ~~Mr. G. N.~~ Murti.
(5) Mr.

in Bombay The F. D. may also be informed that there is no case of the nature refeered to in para.2 of that Deptt's note dated the 9-3-39.

6. It may incidentally be stated that when an officer belonging to one Govt. is temporarily deputed to serve under another the borrowing Govt. has to pay passage Contribution at the rate of Rs. 50 p. m. - vide rule 22 of the Appendix 15 to the Audit Code, Vol. II. As the officers referred to in paras. 4 and 5 are not entitled to oversees passages, the question of the revocery of passage contribution does not arise,

7, The papers may be passed to the A. G., Bombay.

Id/- P. G. J.
4-5-39.

Id/-
5-5-39.

Id/-
5-5

Id/-
5-5 Secy.

Dy. Secy.
I & R

Dy. Secy.

U. O. to the A. G. Bombay, dated 9th May 1939.

F.D. 617/33/2798

Finance Deptt.

Submitted with ref. to this Deptt. note dated 9-3-39.

2. Para. 2 ofthis Deptt. note dated 9-3-39. Please see the R. D. note dated 15-3-39 (pp.5-6) . The R, D. has no objection to Khan Bahadur Abdul Kadir's transfer being treated as deferred ex transfer. The Govt. of Sind may be informed that this Govt. agrees to the proposal made in para. 1 of th the letter at pp. 1-2 ante.

3. Para. 3 of this Deptt. note dated 9-3-39. - The Govt. of Sind has suggested that transfers in the following cases should be treated as deferred transfers within the period of adjustment refd. to in G. R., P. W. D.,No. 9575/27, dated 6-7-37:-

(a) I. S. E. officers who were first allotted to Bombay on 1-4-36 but were subsequently transferred to Sind.

(b) I. S. E. officers who were first allotted to Sind. but were subswquently transferred to Bombay. The P. W. D. has stated that the Govt. of Sind should pay to Bombay Govt. the pension contribution at foreign service rates on behalf of the six I. S. E. officers mentioned below:-

Mr. B. S. Vyas

Mr. S. B. Rege.

Mr. N. P. Gurjar.

Mr. M. N. G. N. Pandit.

Mr. N. G. Murti.

Mr. D. B. Anand

It seems from para. 2 of the P. W. D. note, dated 5th May 1939 that these I. S. E. officers except Mr. Murti were allotted to Bombay with effect from 1-4-36 but they were or will be actually transferred to Bombay on a subsequent date. These officers do not fall in the category of officers mentioned in clauses (a) &(b) above. It appears that except Mr. Murti the I . S. E. officers mentioned above were retained in Sindh from 1.4.36 to the date of their actual transfer to Bombay and hence their services during that period will be treated as lent to the Govt. of Sind. ....

If so, their cases will be covered by the decision mintioned in clause (2) of para. 1 of this Deptt. note dated 9-3-39 and no specific reference to the Govt. of Sind on this point would seem to be necy. The P. W. D. may see this note on this point, after a reply to the Govt. of Sind in this case is issued by this Deptt. Please see the A. G.'s note, dated 24-5-39 in which he has stated that so far there has been no case of an I. S. E. officer who was allotted to Sind but was subsequently transferred to Bombay after 1-4-36. Similarly there does not seem to be any case of an I. S. E. officer who was allotted to Bombay and transferred to Sind after 1-4-36 except that of Mr. Dhir who was first allotted to Bombay and subsequently transferred to Sind in exchange for Mr. Murti; vide para. 2 of the P. W. D. note dated 5-5-39. It is therefore not understood why the Sind Govt. has made the proposal in the last para. of its letter. The Govt. of Sind may be informed that so far as the I. S. E. is concerned there has been no case of an officer allotted to Bombay but subsequently transferred to Sind and Vice Versa except that of Mr. Dhir who was exchanged Mr. Murti. That Govt. may be informed that each case may be considered on its merits as it arises, vide para. 2 3 of this Deptt. note dated 9-3-39 and para. 2 of the A. G's note dated 24-5-39.

Id/- J.A.S.

The cases of Messrs Dhir and Murti are of course in point. But as cases both the officers were retired at the same thime the contributions payable by either Govt. would be the same and would therefore cancel each other. I understood that it is for this reason the A. G. has said there has been no case.
Id/-
J. A. S.

Id/-
J.A. S.

3. As regards the B. S. E. officers, pl. see para. 3 of the A. G.'s notes, dated 24-5-39 and the P. W. D. note dated 23-6-39. The eight officers mentioned in para. 3 of the A. G.'s note dated 24-5-39 were allotted to Sind from 1-4-36 and they were subsequently transferred to Bombay after a year or so from that date. The Govt. of Sind may be asked to pay pension contribution in the case of these officers on the analogy of the case of Khan Bahadur Abdul Kadir. After orders have been passed on the points raised in the foregoing paras., draft letter to the Govt of Sind will be put up for approval.

Id.

Id. Y.K.P.
27-7-39.

Please prepare a draft.

Id-/ J. A. S.
30-8-39.

Finance Deptt.

Resubmitted.

In his note dated 24-5-39 at p. 11 ante the A. G. has stated that there is no case of an officer belonging to the I. S. E. who was allotted to Sind but was permanently transferred from Sind to Bombay after 1st April 1936. It is understood from informal enquiry in the A. G.'s office that the case of Mr. Murti who was first allotted to Sind and was subsequently exchanged for Mr. Dhir (vide G. R., P. W. D., No. 9575/27, dated 4-2-38) has not been mentioned in the A. G.'s note as both these officers were recruited at the same time and therefore the pension contribution payable by either Govt. will be ..

will be the same. It appears from para. 2 of the P. W. D. note dated 5-539 that Mr. Dhir who was allotted to Bombay from 1-4-36 was working in Sind and presumably he reamained in Sind and did not come to Bombay, It seems that Mr. Murti who was allotted to Sind from 1-4-36 also remained in Sind and was transferred to Bombay in Dec. 1937 in place of Mr. Dhir. The position therefore is that both these officers remained in Sind up t to Dec. 1937. As Mr. Dhir who who allotted to Bombay from 1-4-36 remained in Sind, his services must have been treated as lent to the Govt. of Sind up to the date of exchange and pension contribution must have been revocered from the Govt. of Sind in accordance with the decision mentioned in para. 1 (2) of this Deptt. note dated 9-3-39 (pp. 3-4). As regards Mr. Murti who has been allotted to Sind from 1-4-36, the P. W. D. has proposed that pension contribution may be recovered in respect of him from the Govt. of Sind. In other words, his case should be treated as that of a deferred transfer and he should be treated as allotted to this Province from 1-4-36 and lent to the Govt. of Sind from that date upto the date of his transfer to this Province In that case, Mr. Dhir also will have to be treated as allotted to Sind from 1-4-36 and the pension contribution which must have been recovered from the Govt. of Sind (from 1-4-36 to Dec. 1937) in respect of him will by have to be refunded by this Govt. as XX As Messrs. Dhir and Murti were recruited at the same time, the amount of

A. G. will no doubt verify this.
Id/-
J. A. S.

amount of pension contribution in respect of both these officers from 1-4-36 to Dec. 1937 will approximately be the same. Instead of refunding to Sind Govt. the amount of pension contribution recovered by this Govt. in respect of Mr. Dhir and receiving contribution in respect of Mr. Murti from that Govt; the Govt. of Sind may be informed that the pensi n contribution payable by that Govt. in respect of Mr. Murti may be set off against the contribution recovered by this Govt. in respect of Mr. Dhir. The P. W. D. and A. G. may see these papers u. o. again on this point and they may be requested to state whether they agree with the above views. They may also be requested to confirm the statement at 'X' on page 16 ante. The P.W.D. may see these papers also with ref. to 'A-A' on page 16 ante. On receipt back of these papers from the P? W. D. and the A. G. the requisite draft letter to the Govt. of Sind will be put up for approval.

Id-
21-9-39.

Id/- J. A. S.
21-9-39.

U.O. to P. W: D. in succession dated 21-9-39
A. G.

P. W. Department.

E. B.

Submitted with ref. to the O. M. dated the 4-5-39 and the 22-6-39.

2. In the separation of the cadre of the I. S. E.? THe the following officers were allotted to Bombay with effect from the 1-4-36 but they were working in Sind:-

1. Mr. S. B. Rege.
2. Mr. B. S. Vyas.
3. Mr. N. P. Gurjar. & Mr. R.D. Dhir
4. Mr. G. N. Pandit.
5. Mr. D. B. Anand.

Later on, Mr. Dhir was exchanged in Dec. 1937 for Mr. N. G. Murti, who was allotted to Sind, Messrs. Vyas, Rege and Gurjar have already been transferred from Sind to Bombay. As the marginally noted officers will be considered as having been lent to the Govt. of Sind till they were transferred to Bombay, the F. D. states tht no specific ref. to the Govt. of Sind is necy. in respect of recovery of pension contribution as their cases will be covered by the decision in clause (2) of para. 1 of that Deptt's note dated the 9-3-39.

2. Mr. S. B. Rege.
1 2. Mr. B. S. Vyas.
3. Mr. N. P. Gurjar.
4. Mr. G. N. Pandit.
5. Mr. R. D. Anand.

3. Please see the F. D. note within. That Deptt. may be informed that this Deptt. agrees with the view expressed at the portion A of the F. D. note dated the 21/0/39. The statment made at 'X' on p. 16 ante is correct.

4. The papers may be passed on to the A. G., Bombay, with the above note, if approved.

Id. P. G. I.
17-10-39.

Id. R.H.H. 17-10-39.

Id. R. G. S. 17-10-39.

U. O. to A. G., dated the 24th Oct. 1939.

Issued 24/10/39.

No. 457/3-A.

Government of Sind,
Finance Department,
Karachi, 3rd February 1939.

From

C. B. B. Clee, Esquire, C. I. E., I. C. S.,
Secretary to Government;

To *

The Secretary to the
Government of Bombay,
Finance Department,
Bombay.

Subject:- All- India and other services;
Separation of cadres of - for Sind.

Sir,

I am directed to refer to the correspondence ending with your letter No. 617/33-C, dated the 10th June 1938, on the subject indicated above, in which it has been agreed that leave liability in respect of officers of the separated cadres whose services have been or may be temporarily lent to the Government of Sind by the Government of Bombay and vice versa, will be regulated by the ordinary rules as contained in Articles 183 and 183-A of the Audit Code, Volume I. The question has now arisen in connection with Khan Bahadur Abdul Kadir who, on separation of the cadre of Deputy Collectors with effect from the 1st April 1936, (vide the Bombay Government, Revenue Department, notification, No. 9629/28, dated the 12th April 1937) was first allotted to the Bombay Presidency, but was subsequently permanently transferred to Sind with effect from the 17th June 1938. This Government feel that in view of the short interval of service rendered by the Khan Bahadur before he was transferred to Sind after separation, his case may be considered to be that of a deferred transfer, and he may be treated for all practical purposes to have been allotted to Sind on the 1st April 1936 and that for the period from the 1st April 1936 to the 16th June 1936 he may be considered to have been lent temporarily to the Bombay Government.

In that case, in accordance with convention agreed to, the Bombay Government will pay to the Sind Government pension contributions at the foreign service rates and will be liable for the payment of leave salary in respect of the leave earned for that period. It is presumed that the ...

It is presumed that the Bombay Government will have no objection to the acceptance of the above principle, in which case, a necessary ~~x~~ corrigendum to the above mentioned notification allotting Khan Bahadur Abdul Kadir to the Province of Sind with effect from the 1st April 1936 may kindly be issued.

2. I am further to request thatthe above principle may also be held to be applicable to all similar transfers to and from Bombay within the period of adjustment referred to in the Government of Bombay, Public Works Department, Resolution, No. 9575/27, dated the 6th August 1937. If there be no objection, the concurrence of the Government of Bombay of Bombay to the above principle may be communicated to this Government.

I have, etc.

Sd/- C. B. B. K CLEE,

Secretary to Government.

No. 617/33/2798-C.

Finance Department.

Bombay Castle, 12th December 1939.

From

J. Santos, Esquire,

Deputy Secretary to the Gvem Government of Bombay,

Finance Department;

To

The Secretary to the Government of Sind,

Finance Department.

Subject:- All- India and Other Services;

separation of cadres of - for Sind.

Sir,

With reference to your letter No. 457/3-A dated 3rd February 1939, on the subject noted above, I am directed to state that, in ~~x~~ the circumstances explained in paragraph 1 of the letter, this Government concurs in the proposals made

proposals made therein relating to the transfer of Khan Bahadur Abdul Kadir to Sind, after separtion of the cadre of Deputy Collectros, with effect from 1st April 1936. A corrigendum to this Government Notification, Revenue Department No. 9629/28, dated 12th April 1937, allotting Khan Bahadur Abdul Ka dir to the ~~Bo~~ Province of Sind with effect from 1st April 1936, as suggested in your letter, is being issued separately.

2. As regards paragraph 2 of your letter, I am directed to state that, so far as the Indian Service of Engineers is concerned, there has been no case of an officer allotted to~~Bombay~~ and subsequently transferred to Sind and ~~vi~~ vice versa after 1st April 1936, except that of Mr. R. D. Dhir who was first allotted to Bombay and subsequently exchanged for Mr. N. G. Murti. As Messrs. Dhir and Murti were recruited at the same time, there is no difference in the rate of pension contributions payable in their case and so the amount of p pension contribution payable by the Sind Government in ~~xxx~~ respect of Mr. Murti may be set off against the contribution recovered by this Government in respect of Mr. Dhir.

3. I am to add that the undermentioned ~~xxxxx~~ eight officers of th~~e~~ Bombay Service of ~~Xxxxxxx~~ Engineers were allotted to Sind from 1st April 1936 under Government Resolution, Public works Department, No. 9575/27 dated 20th March 1937, and were transferred to Bombay after a year or so from that date:-

	Date of transfer.	
Mr. Y. G. M. Munshi.	4-12-37	afternoon.
Mr. V. B. Manerikar.	10- 5-37	"
Mr. C. R. Desai.	29-10-37	"
Mr. B. K. Choksi.	30-11-37	"
Mr. K. M. Kantawala.	5- 6-37	"
Mr. K. M. Joshi.	29-10-37	"
Mr. V. W. Gothoskar.	12-10-38	"
Mr. B. S. Apte.	15-9- 38	"

....

Their cases may accordingly be treated as cases of deferred transfer, on the analogy of the case of the Khan Bahadur Abdul Kadir, and the cost of the pension contribution in respect of the period 1st April 1936 to the date of their transfer from Sind and liability for the leave salary for the leave earned during the period may be borne by the Government of Sind.

I have the honour to be,

Sir,

Your most obedient servant,

Id/-

Deputy Secretary to the Government of Bombay, Finance Department.

Copy, with a copy of the letter under reply to the
the Revenue Department for necessary action with
the Public Works Department,
the Accountant General.

4204/36
29564

E. B.

Submitted.

2. This Deptt. is concerned with paras. 2 and 3 of the F. D. letter to the G. of S. This Deptt. was consulted in the matter. The concurrence of the Sind Govt. in the proposals made in those paras. may be awaited.

Id.
8-1-40.

Id/-
8/1

No. 457/3-A.

Government of Sind,

Finance Department,

Karachi, 16th February 1940.

From

L. T. Gholap, Esquire, I. C. S.,

Secretary to Government,

To The Secretary to the Government of Bombay,

Finance Department, Bombay.

Subject:- All- India and other 2 Services:

Separation of cadres of - for Sind.

Sir,

I am directed to refer to the correspondence ending with your letter NO. 617/33/2798- C, dated the 12th December 1939, and to state that this Government do concurs in the proposals as made in paragraphs 2 and 3 of the letter under reply.

I have the honour to be,

Sir,

Your most obedient servant,

Sd/- L. T. Gholap,

Secretary to Government.

(Below copies of the letter No. 457/3-A dated 16th February 1940 from the Secretary to the Government of Sind, Finance Department).

No. 617/33/4416-C.

Finance Department.

Bombay Castle, 21st February 1940.

Forwarded with compliments for information and guidance to-

the Public Works Department, and

the Accountant General,

in continuation of this Department Endorsement No. 617/33/2798-C dated 12th December 1939.

By order of the Governor of Bombay,

Sd/-

for Deputy Secretary to the Government of Bombay,

of Finance Department.

E. E.

Submitted for information

Id/-
28-2-40.

Record.

Id/-
29/2

Id/-
29-2-